

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 386 - HB 363

February 8, 2011

SUMMARY OF BILL: Defines "health care liability action," which replaces the term "malpractice," and "health care provider." Establishes limitations on attorney fees in contingency fee health care liability actions by reducing the fee percentage as the recovery amount increases. Applies these limitations to recoveries obtained through settlement, arbitration, or judgment. Adds a severability clause.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumption:

- According to the Administrative Office of the Courts, state courts are currently required under the statute to approve attorney fees in malpractice actions. Requiring the courts to apply new statutory limitations on recovery in health care liability actions will not have a significant impact on the court system.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, reading "James W. White".

James W. White, Executive Director

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